

DRAFT

Legislative Branch Access to SCI

a. Policy.

(1) As an underlying principle, access to intelligence information will be consistent with the protection of intelligence sources and methods. Normally, Congressional requests for intelligence information can be satisfied at the collateral (i.e., noncompartmented) level, but there may, in certain instances, be a need for access to SCI. In those instances, such information shall be sanitized to eliminate the identification of intelligence sources and methods, except where it is determined that SCI must be furnished in unaltered form.

(2) Members of Congress may be provided access to SCI on a need-to-know basis without a security investigation or adjudication. Heads of organizations within the Intelligence Community or program managers providing SCI shall provide briefings on the sensitivity and vulnerability of the information, and the sources and methods involved, as required to ensure proper protection.

(3) Access to SCI by staff members of the Senate Select Committee on Intelligence (SSCI) and the House Permanent Select Committee on Intelligence (HPSCI) are governed by Memoranda of Understanding executed by the Chairmen of these Committees and

the Director of Central Intelligence. Provision of information and materials to these Committees shall be in accordance with mutually agreed upon existing arrangements with the Committees.

(4) Requests for SCI access approvals for other Legislative Branch personnel shall be referred to the Chief of Legislative Liaison for the Director of Central Intelligence (DCI) for approval. Requests must be in writing by committee or subcommittee chairmen and clearly describe the nominee's need-to-know. Issues arising with regard to particular requests shall be referred to the DCI for resolution. Unless otherwise authorized by the DCI, approval for access to SCI for Legislative Branch staff personnel will be limited to:

(a) Permanent staff personnel of appropriate Congressional committees and subcommittees.

(b) Selected employees of the General Accounting Office and the Library of Congress.

(c) Selected members of the staffs of the Leadership of the House and Senate, as agreed by the DCI and the Leadership.

b. Verification requirement.

The DCI's Chief of Legislative Liaison will verify, on behalf of the DCI, the need of persons in the Legislative Branch other than members of Congress for access to SCI. Verifications will be based on such persons' job responsibilities in the following areas:

(1) Direct involvement in authorization legislation pertaining to Intelligence Community organizations.

(2) Direct involvement in appropriations legislation for Intelligence Community organizations.

(3) Direct involvement in reviews authorized by law of activities of Intelligence Community organizations.

(4) Direct involvement in other legislative matters which, of necessity, require direct access to SCI.

c. Access Approval Procedures.

(1) Approvals for access to SCI may be granted to staff personnel in the Legislative Branch described above who possess a Top Secret collateral clearance and who meet the investigative standards set forth in DCID No. 1/14. Requests for exceptions to this policy shall be referred to the DCI's Chief of Legislative Liaison. The requester of the access approval is responsible for assuring the conduct of an appropriate investigation. Reports of investigation shall be reviewed by the DCI's Director of Security to assure uniform application of security criteria under DCID No. 1/14. The granting of access approvals shall be coordinated with the appropriate program managers, as agreed by the DCI.

(2) Staff personnel in the Legislative Branch receiving SCI access approvals shall be provided appropriate security briefings by the Special Security Center of the Central Intelligence Agency, and shall sign nondisclosure agreements before receiving access

SCI. Access approvals shall be recorded in the SCI Central Access Register. Copies of nondisclosure agreements shall be provided to program managers who request them.

(3) The DCI's Chief of Legislative Liaison shall be notified promptly of employee job changes or terminations to ensure updating of the Central Access Register and appropriate debriefing of the employee. SCI access approvals of Legislative Branch employees must be withdrawn or revalidated if an employee leaves the specific position for which access was authorized

(4) SCI will be made available to committee and subcommittee members only through or under the authority of the chairman of the Congressional committee or subcommittee concerned.

d. Handling and Storage of SCI.

(1) Any organization of the Intelligence Community that provides SCI to Congress shall ensure that the handling and storage of such information conforms to the requirements set forth in NFIB/NFIC-9.1/47 (or subsequent issuances). SCI facilities shall be accredited by the Special Security Center of the CIA. Where adequate provisions cannot be made for the handling and storage of such information, no such information may be provided without the approval of the DCI.

(2) Any organization of the Intelligence Community that provides testimony or briefings involving SCI to persons in the Legislative Branch shall do so in accordance with the following security measures:

(a) A thorough physical security and audio countermeasures inspection of the room where testimony or briefing will occur must be conducted immediately before the presentation unless the premises are maintained in a secure status. Audio countermeasures surveillance of the premises should also be maintained during the presentation.

(b) All persons present, other than elected officials, including transcribers and other clerical personnel, must be certified for access to the SCI being discussed. Arrangements shall be made to monitor entrances to the room where the presentation will be given to exclude unauthorized persons.

(c) All transcriptions or notes that result from briefings or testimony must be handled and stored in accordance with the security requirements for SCI, as specified in subsection 8d(1) above.

(d) The room in which a presentation is given must be inspected after the presentation to ensure that all SCI is properly secured.

(3) Any organization of the Intelligence Community that provides SCI to a Congressional committee, other than a committee routinely involved in the oversight and appropriations processes of Intelligence Community organizations, shall endeavor to provide such information through the SSCI or HPSCI, as appropriate. The SSCI and HPSCI both have facilities that meet the requirements of

NFIB/NFIC-9.1/47 and personnel trained in the procedures for handling SCI. Where possible, custody of such information shall remain with the Intelligence Community organization concerned. Where such information must be physically transferred, efforts shall be made beforehand to eliminate or minimize the risk of exposure of SCI sources and methods.